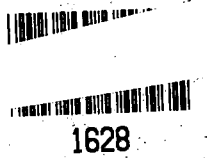




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2466



1628

Ref: 8WM-DW-PWSIE

MAR 14 1994

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Crofts Oil Company
and Delin J. Crofts, Owner
1625 South 1500 East
Highway 40
Vernal, UT 84078

Re: Emergency Administrative
Orders under Section 1431 of
the Safe Drinking Water Act
Docket No. 8-PWS-VIII-94-21
and the Oil Pollution Act
Docket No. 8-CWA-VIII-94-20

Dear Mr. Crofts:

On February 15, and February 28, 1994, you were notified, by Hays Griswold, U.S. Environmental Protection Agency (EPA) On-Scene Coordinator, of Federal interest in an oil pollution incident at the Naples Truck Stop, for which you are presently considered financially responsible. At those times you indicated that you would cooperate but declined to participate for financial reasons. On February 22, 1994, EPA initiated response activities under the authority of the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq (OPA). Cleanup is being effected in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR Part 300 and Federal regulations. You will be billed for all actual costs incurred by the Federal Government, as set forth in Section 1002(b) of OPA, 33 U.S.C. 2702.

Enclosed are two Administrative Orders. The Orders require you to undertake the cleanup of the oil and/or contaminants from the Naples Truck Stop. The first Order is issued under Section 1431 of the Safe Drinking Water Act (SDWA), 40 U.S.C. 300i and is based on EPA's finding that contaminants from a leaking gasoline tank located at the Naples Truck Stop are likely to enter the Ashley Valley Water and Sewer Improvement District public water system or other underground sources of drinking water. These contaminants may present an imminent and substantial endangerment to the health of the people served by that water supply. Within 48 hours of receipt of this Order you must contact Patrick Crotty, Chief, Drinking Water Branch, U.S. EPA Region VIII, at (303) 293-1413 to advise him of your intentions to comply with this Order.

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99.15.15



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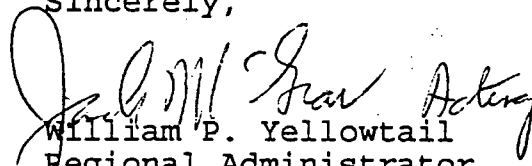
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The second Order is issued under Sections 311 (c), (e) and (m) of the Clean Water Act, 33 U.S.C. §§ 1321 (c), (e), and (m) (CWA) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq (OPA) and is based on EPA's finding that oil from a leaking gasoline tank located at the Naples Truck Stop is likely to enter the unnamed creek that flows into Ashley Creek. Within 48 hours of receipt of this Order you must contact Hays Griswold, On-Scene Coordinator, U.S. EPA Region VIII at (303) 294-7081 to advise him of your intentions to comply with this Order.

Both Orders set forth the actions that you must take to ensure that the source of the contaminants is removed, the extent of the contamination is determined, and appropriate remedial action is initiated and completed. You must immediately take the required actions. The penalties for failure to comply are set forth in the Orders.

EPA is prepared to meet with you to discuss any matters you may wish to raise in connection with the enclosed Orders. To request a meeting, please contact Patrick Crotty or Hays Griswold at the numbers listed above. A request for a meeting will not postpone your obligation to comply immediately with the requirements of these Orders.

Sincerely,


William P. Yellowtail
Regional Administrator
U.S. EPA, Region VIII

Enclosures

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF)
)
)

Crofts Oil Company)
and Delin J. Crofts, Owner)
1625 South 1500 East)
Highway 40)
Vernal, UT 84078)
)

Docket No. 8CWA-VIII-94-20

ADMINISTRATIVE ORDER

Proceedings under)
Sections 311 (c), (e) and (m) of)
the Clean Water Act, 33 U.S.C.)
§§ 1321 (c), (e), and (m) as)
amended by the Oil Pollution Act)
of 1990, 33 U.S.C. §§ 2701 et seq.)
)
)

I. STATUTORY AUTHORITY

1. The following Findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Sections 311 (c), (e), and (m) of the Clean Water Act, 33 U.S.C. §§ 1321 (c), (e), and (m) (CWA) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq (OPA). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of Region VIII.

II. DEFINITIONS

1. "Facility" as used in this order shall mean the Naples Truck Stop, Vernal, Utah.

2. "National Contingency Plan" or "NCP" shall mean the National Oil and Hazardous Substances Pollution Contingency Plan codified at 40 CFR Part 300, including, but not limited to, any amendments thereto.
3. "Oil" as used in this Order shall have the meaning set forth in Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1).
4. "Onshore Facility" shall have the meaning set forth in Section 311(a)(10) of CWA, 33 U.S.C. § 1321(a)(10).
5. "Site" as used in this Order shall mean the Facility, as described above, and the total expanse of the oil and solid waste contamination described in this Order.
6. "Work" as used in this Order shall mean all requirements of this Order.
7. All terms not defined herein shall have the meanings set forth in OPA, CWA, and the NCP.

III. FINDINGS

1. Crofts Oil Company (Respondent) is a corporation which was registered in the State of Utah on December 4, 1991. According to information obtained from the State of Utah, Crofts Oil Company is owned solely by Delin J. Crofts.
2. Delin J. Crofts (Respondent) is an individual and therefore "a person" within the meaning of 33 U.S.C. § 1321(a)(7).

3. The Facility owned by the Respondents is an "onshore facility" as defined above.
4. The Facility operated by the Respondents is an "onshore facility" as defined above.
5. According to a February 16, 1994, report from Lowell Card, Environmental Health Director, Uintah Basin Public Health Department and an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, a gasoline plume has developed, as a result of a leak on property owned by Respondents. This plume is estimated to be comprised of 7000 gallons of gasoline and is at least six (6) inches deep.
6. According to an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, the gasoline plume referenced above poses a substantial threat of the discharge of oil to an unnamed creek that discharges to Ashley Creek.
7. A "removal" as defined in Section 311(a)(8) of CWA, 33 U.S.C. § 1321(a)(8), is necessary at the Facility to minimize and mitigate damage to the public health or welfare.
8. A "discharge" as defined in Section 311(a)(2) of CWA, 33 U.S.C. § 1321(a)(2), and 40 CFR § 260.10, is occurring or has occurred at or from the Facility.

9. Gasoline products and petroleum hydrocarbons are "oil" within the meaning of Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1).
10. "Oil" as defined above, is currently present at and around the Site.
11. The water table aquifer under the Facility, is a "natural resource" within the meaning of the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20).
12. Oil has been discharged to the water table aquifer from the Facility. The Oil discharged to the water table aquifer poses a threat to an unnamed creek, which flows into Ashley Creek.
13. Ashley Creek is a "navigable water" of the United States as defined in Section 502(7) of CWA, 33 U.S.C. § 1362(7).
14. Ashley Creek is a "natural resource" within the meaning of the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20).
15. "Natural resources", as defined in the NCP, 40 CFR § 300.5, and Section 1001(20) of OPA, 33 U.S.C. § 2701(20), may be affected by the discharge at or from the Facility.

16. The discharge of oil from the Facility has occurred in a "harmful quantity" within the meaning of Section 311(b)(3) of CWA, 33 U.S.C. 1321(b)(3), and 40 CFR § 110.3(b).

IV. WORK TO BE PERFORMED

1. Respondents shall locate and identify the source of the discharge of oil. Within 24 hours after the source of the discharge is identified, Respondents shall initiate measures to ensure that no further contamination occurs.
2. Within 14 days of the effective date of this Order, Respondents must provide to EPA Region VIII a proposed plan and schedule for containment and remediation of the gasoline leak from Respondents' property. This plan shall include a registered professional engineer's evaluation of the extent to which the aquifer has become contaminated. Once the plan is approved, in writing, by EPA, the plan must be implemented according to the approved schedule.
3. Respondents shall monitor the contaminant plume to determine the extent of future migration of the contaminant plume, the probable path of the contaminant plume, and to ensure the adequacy of remedial action. This monitoring shall continue until such time as EPA Region VIII grants permission in writing to modify or cease the monitoring.

4. Within 30 days of the effective date of this Order, Respondents shall map the extent of the plume and provide EPA with a copy of this map.
5. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Hays Griswold, 8HWM-ER
U.S. Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202-2466
Telephone (303) 294-7081

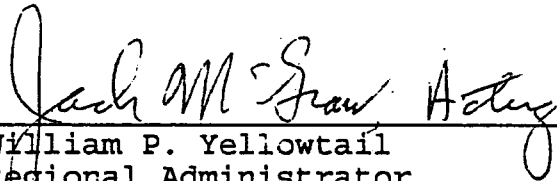
6. Within 48 hours of receipt of this Order, Respondents shall contact Mr. Hays Griswold at the above address and telephone number to advise him of their intention to comply with this Order. If the 48 hours after receipt is not a federal work day, then Respondents shall contact Mr. Griswold by 10:00 a.m. of the first EPA work day (Monday through Friday) after their receipt of this Order.
7. All containment, remediation, and mitigation, performed by the Respondent, shall be consistent with the NCP, OPA, and CWA.

V. GENERAL PROVISIONS

1. Violation of any term of this ORDER may subject Respondents to an administrative civil penalty of up to \$25,000 per day of violation or an amount up to three times the cost incurred by the Oil Spill Liability Trust Fund as a result of such failure under Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.
2. The effective date of this ORDER shall be the date of the receipt of this Order by the Respondents.

IT IS SO ORDERED

Issued this 14th day of March, 1994.



William P. Yellowtail
Regional Administrator
U.S. EPA, Region VIII

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

IN THE MATTER OF)

Crofts Oil Co.)

and Delin J. Crofts, Owner)

1625 South 1500 East)

Highway 40)

Vernal, Utah 84078)

Docket No. 8-PWS-VIII-94-21

EMERGENCY

ADMINISTRATIVE ORDER

Proceedings under Section 1431(a))
of the Safe Drinking Water Act,)
42 U.S.C. §300i, as amended)

I. STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (the Act). The Administrator of EPA has delegated the authority to take these actions to the Regional Administrator of Region VIII.

II. FINDINGS

1. Crofts Oil Co. (Respondent), is a corporation registered in the State of Utah on December 4, 1991. According to information obtained from the State of Utah, Crofts Oil Co. is owned solely by Delin J. Crofts.

2. Delin J. Crofts (Respondent) is an individual and therefore "a person" within the meaning of 40 CFR §141.2.
3. According to a February 16, 1994 report from Lowell Card, Environmental Health Director, Uintah Basin Public Health Department and an on-site assessment by Hays Griswold, EPA On-Scene Coordinator, a gasoline plume has developed, as a result of a leak on the property owned by Respondents. This plume is estimated to be comprised of 7000 gallons of gasoline and is at least six (6) inches deep. This plume has resulted in contaminants that are likely to enter a public water system and other underground sources of drinking water. These contaminants may present an imminent and substantial endangerment to the health of persons.
4. The primary responsibility to enforce the National Primary Drinking Water Regulations has been delegated by EPA to the State of Utah. State and local officials have not acted to the degree necessary to protect health of persons because of jurisdictional problems. Pursuant to Section 1431 of SDWA, consultation between EPA and State and local officials has occurred.

III. ORDER

1. Within 24 hours after the receipt of this Order, Respondents shall initiate measures to ensure that no further contamination occurs.
2. Within 14 days of the receipt of this Order, Respondents must provide to EPA Region VIII a proposed plan and schedule for containment and remediation of the gasoline leak from Respondents' property. This plan shall include an evaluation of the extent to which the aquifer has become contaminated, by a qualified hydrogeologist or other qualified professional. This evaluation shall specifically address the extent of contamination to the drinking water distribution lines and sewage collection lines of the Ashley Valley Water and Sewer Improvement District public water system and any other public utilities' distribution lines, drinking water sources, sewage collection lines, and a proposal for correcting any contamination and other hazards. Once the plan is approved, in writing, by EPA, the plan must be implemented according to the approved schedule.
3. Respondents shall monitor the contaminant plume to determine the extent of future migration, its probable path, and to ensure the adequacy of remedial action.

This monitoring shall continue until such time as EPA Region VIII grants permission in writing to modify it.

4. Monitoring (one sample every two weeks) of the finished water contained in the Ashley Valley Water and Sewer Improvement District public water supply distribution lines that are directly affected by the plume shall be performed in conjunction with, and under the supervision of, representatives of the Ashley Valley Water and Sewer Improvement District. All samples shall be analyzed by a certified laboratory and according to the "Sampling Protocol" included as Attachment I of this Order and hereby incorporated by reference. After six (6) months, this monitoring may be reduced to quarterly monitoring, if sample analyses indicate that contaminants are not present above the maximum contaminant level (MCL) and upon the written consent of EPA. Technical questions regarding this protocol shall be directed to:

Mr. Robert Clement
U.S. Environmental Protection Agency
Drinking Water Branch (8WM-DW-PWSIE)
999 18th Street, Suite 500
Denver, Colorado 80202-2466
(303) 293-1259 (1-800-227-8917 X 1259)
FAX (303) 293-1234

5. Within 30 days of the effective date of this Order, Respondents shall map the extent of the plume and provide EPA with a copy of the map. If at any time during the preparation of this map, Respondents or their contractors discover that the contaminant plume contacts any public utilities' distribution lines, drinking water sources, and sewage collection lines, or may enter any other underground source of drinking water (private wells), Respondent shall immediately notify EPA and shall submit a sampling plan of the affected water source to EPA.
6. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Patrick Crotty
U.S. Environmental Protection Agency
Drinking Water Branch (8WM-DW-PWSIE)
999 18th Street, Suite 500
Denver, Colorado 80202-2466
Telephone (303) 293-1652

7. Within 48 hours of receipt of this Order, Respondents are to contact Mr. Patrick Crotty at the above address and telephone number to advise him of their intention to comply with this Order. If the 48 hours after receipt is not a federal work day, then Respondents shall contact Mr. Crotty by 10:00 a.m. of the first EPA

work day (Monday through Friday) after their receipt of this Order.

8. 40 CFR §141.31 requires that Respondents report to EPA within 48 hours their failure to comply with any National Primary Drinking Water Regulation (40 CFR Part 141). Any failure to report instances of non-compliance described above is a violation of 40 CFR §141.31.

IV. GENERAL PROVISIONS

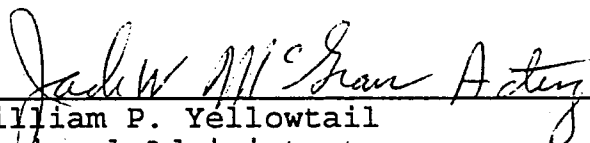
1. This ORDER does not constitute a waiver, suspension, or modification of the requirements of 40 CFR §141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this ORDER is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this ORDER may subject Respondents to an administrative penalty of up to \$5,000 per day of violation under Section 1431(b) of the Act, 40 U.S.C. Section 300i(b).
3. Violation of any requirement of the SDWA or its implementing regulations may subject Respondents to a civil penalty of not more than \$25,000 per day of

violations under Section 1414(g)(3)(A) and (C) of the Act, 42 U.S.C. 300g-3(g)(3)(A) and (C).

4. The effective date of this ORDER shall be the date of the receipt of this ORDER by the Respondents.

IT IS SO ORDERED

Issued this 14th day of March, 1994.



William P. Yellowtail
Regional Administrator